

REMARKS:

In the outstanding Office Action, the Examiner rejected claims 12-22. Claims 12, 20, 21 and 22 are amended herein. No new matter is presented.

Thus, claims 12-22 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. §103(a):

Claims 12-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0156558 (Cromer) and U.S. Patent Pub. No. 2004/0219878 (Raji).

Claim 12 recites, "providing, path information about a path formed of at least one further radio station of the plurality of radio stations usable for a message transfer between the radio access point and the terminal radio station, to the radio access point responsive to a requirement from the radio access point prior to the message transfer." The Applicants respectfully submit that Cromer does not disclose or suggest at least this feature of claim 12. See also other independent claims reciting similar features.

Cromer is directed to paths received after the path stored within the remote mobile unit for sending causes a failure when receiving data transmitted along the path (see, paragraphs 77 and 96). Meaning, Cromer is limited to trying the next path when a failure (problem) is detected.

In fact, when considering Cromer in its entirety, the Cromer system, which is directed to determining a path when normal payload data is unable to be received by the receiving station along the path, teaches away from the claimed invention.

As previously discussed above, the independent claims patentably distinguish over Cromer. Further, as Raji merely discusses a response of a target wireless system (remote wireless system) that corresponds to a path found between the source wireless system and the target wireless system, Raji does not cure the deficiencies of Cromer regarding claims of the present application.

Raji does not teach or suggest "learning, at the terminal radio station, about the requirement for the path information that was initiated at the radio access point" and "initiating at the terminal radio station a method for determining a path between the terminal radio station and the radio access point to fulfill the requirement initiated by the radio access point", where the requirement for the path is initiate "prior to the message transfer", for example as recited in claim

12.

Further, even assuming *arguendo* that Raji does disclose the features discussed by the Examiner, the Applicants respectfully submit that there is no motivation to combine the cited references. The Examiner stated that the combination of the references would be obvious in order to achieve a connection to mobile units outside a cell range and learn of new paths to the source node.

Claims depending from the independent claims include all of the features of that claim plus additional features which are not disclosed by Cromer and Raji.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over Cromer and Raji. The dependent claims are also independently patentable. For example, as recited in claim 13, "a base station located inside the direct radio transmission range of the radio access point...", where the method includes "notifying the base station by the radio access point about the requirement for the path information" and "said learning by the terminal radio station about the requirement for the path information is a result of a notification by the base station." Cromer and Raji do not teach or suggest these features of the claimed invention.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102(a):

Claims 21 and 22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cromer.

Claim 21 of the present application recites "means for receiving and processing failure information about presence of a failure of the stored path, said storing of the path being prior to the processing failure information" and "means for initiating a method to determine a new path between said first radio station and the radio access point following reception of the failure information." The Applicants respectfully submit that Cromer does not disclose or suggest at least this feature of claim 21. See also claim 22 reciting similar features.

As mentioned above, Cromer discusses actions to be taken in case of a problem with a received data frame where the system switches straight to the next path which is stored in a table (see, paragraph 77). Only if there is no next path stored, the Cromer proceeds in determining a path between the access point and the mobile unit. There is not teaching in Cromer that is directed to determining a path without the determination being triggered by a

failure.

Therefore, Cromer does not disclose, teach or suggest each and every element of the Applicants' claims 21 and 22. In order for a reference to anticipate a claim, the reference must teach each and every element of the claim (MPEP §2131). Therefore, since Cromer does not disclose the features recited in the independent claim 21 and 22, as stated above, it is respectfully submitted that these claims patentably distinguish over Cromer, and withdrawal of the §102 rejection is earnestly and respectfully solicited.

Therefore, withdrawal of the rejection is respectfully requested.

ENTRY OF AMENDMENT:

Applicants respectfully request entry of amendments to the claims because the amendments were made to place the claims in better form and do not introduce significant changes that would require a further search.

WITHDRAWAL OF FINALITY:

As discussed above, each of the independent claims are allowable over the cited references, and therefore, Applicants respectfully request reconsideration of the finality of the rejection and withdrawal of the finality of the Office Action.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 11/30/2010

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